

ASSEMBLY BILL

No. 179

Introduced by Assembly Member Chan

January 27, 2003

An act to amend Sections 130120 and 130150 of the Health and Safety Code, relating to child development.

LEGISLATIVE COUNSEL'S DIGEST

AB 179, as introduced, Chan. California Children and Families Commission.

(1) The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, the California Children and Families Commission, with specified powers and duties relating to the administration of the act on a state level.

Existing law also establishes county commissions for purposes of administering the act on a local level. Existing law requires the state commission and each county commission, on or before October 15 of each year, to conduct an audit of, and issue a written report on the implementation and performance of, their respective functions during the preceding fiscal year.

This bill would change the date the state commission is required to annually conduct the audit and prepare this report from October 15 to January 31.

(2) Existing law purports to exempt all professional staff employees of the state commission from civil service.

This bill would eliminate that exemption.

(3) The California Constitution provides that the Legislature may amend an initiative statute by another statute that is approved by the voters unless the initiative statute permits amendment without voter approval. The act provides that it may be amended by a vote of $\frac{2}{3}$ of the membership of both houses of the Legislature and that all amendments pursuant to this provision shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 130120 of the Health and Safety Code
2 is amended to read:

3 130120. The state commission shall, within three months
4 after a majority of its voting members have been appointed, hire
5 an executive director. The state commission shall thereafter hire
6 ~~such~~ any other staff as necessary or appropriate. The executive
7 director and staff shall be compensated as determined by the state
8 commission, consistent with moneys available for appropriation
9 in the Administration Account. ~~All professional staff employees~~
10 ~~of the state commission shall be exempt from civil service.~~ The
11 executive director shall act under the authority of, and in
12 accordance with the direction of, the state commission.

13 SEC. 2. Section 130150 of the Health and Safety Code is
14 amended to read:

15 130150. On or before October 15 of each year, ~~the state~~
16 ~~commission and~~ each county commission shall conduct an audit
17 of, and issue a written report on the implementation and
18 performance of, ~~their respective~~ *its* functions during the preceding
19 fiscal year, including, at a minimum, the manner in which funds
20 were expended, the progress toward, and the achievement of,
21 program goals and objectives, and the measurement of specific
22 outcomes through appropriate reliable indicators.



1 (a) The audits and reports of each county commission shall be
2 transmitted to the state commission.

3 (b) The state commission shall, on or before January 31 of each
4 year, ~~prepare~~ *do both of the following:*

5 *(1) Conduct an audit and prepare a written report on the*
6 *implementation and performance of the state commission*
7 *functions during the preceding fiscal year, including, at a*
8 *minimum, the manner in which funds were expended, the progress*
9 *toward, and the achievement of, program goals and objectives,*
10 *and the measurement of specific outcomes through appropriate*
11 *reliable indicators.*

12 *(2) Prepare* a written report that consolidates, summarizes,
13 analyzes, and comments on the annual audits and reports
14 submitted by all of the county commissions for the preceding fiscal
15 year. This report by the state commission shall be transmitted to
16 the Governor, the Legislature, and each county commission.

17 (c) The state commission shall make copies of each of its
18 annual audits and reports available to members of the general
19 public on request and at no cost. The state commission shall
20 furnish each county commission with copies of those documents
21 in a number sufficient for local distribution by the county
22 commission to members of the general public on request and at no
23 cost.

24 (d) Each county commission shall make copies of its annual
25 audits and reports available to members of the general public on
26 request and at no cost.

27 SEC. 3. The Legislature finds and declares that this act
28 furthers the California Children and Families First Act of 1998,
29 enacted by Proposition 10 at the November 3, 1998, general
30 election, and is consistent with its purposes.

